IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION NO.797 OF 2006

Kirti Stationers (P) Ltd.,Mumbai. Petitioner
vs.
The Assistant Commissioner of
Income-Tax & anr., Mumbai. Respondents

Mr.J.D.Mistry with Mr.K.Gopal i/b.M/s.Inter Asis Lawyers
for the petitioner.

Mr.P.Daniel for the respondents.

CORAM : R. M. LODHA &
J. P. DEVADHAR,JJ.

DATED : 29th March, 2006

P.C.

Mr.J.D.Mistry, counsel for the petitioner submits that subsequent to the filing of the present writ petition, the Commissioner of Income Tax (Appeals) Central II, Mumbai, in petitioner's case for Assessment Year 2001-2002, has allowed the claim for deduction under Section 80IA. In this view of the matter, he submits that the petitioner may be permitted to withdraw this writ petition with liberty to make a fresh application for stay in the light of the order dated 20th March, 2006 and/or request the Appellate Authority for disposal of the appeal relating to Assessment Year 2003-2004 in the light of the order dated 20th March, 2006.

2. The prayer made by the counsel for the petitioner is reasonable. We, accordingly, allow the writ petition to be withdrawn with liberty as aforestated.

3. Until disposal of fresh application for stay or the disposal of appeal itself and for a period of two weeks from the date of the communication of the said order, the amount shall not be withdrawn by the respondents pursuant to the garnishee notice dated 9th March, 2006 in case not withdrawn so far.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)